

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Lanalsikov Lowe,

Petitioner,

vs.

RA Heisner,

Respondent.

No. CV-23-00125-PHX-SPL

ORDER

Petitioner Lanalsikov Lowe has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 1). The Honorable Michael T. Morrissey, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 16), recommending that the Court deny the Petition. Judge Morrissey advised the parties that they had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. (Doc. 16 at 4–5) (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-taken.

1 The Court will adopt the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating
2 that the district court “may accept, reject, or modify, in whole or in part, the findings or
3 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge
4 may accept, reject, or modify the recommended disposition; receive further evidence; or
5 return the matter to the magistrate judge with instructions.”). Accordingly,

6 **IT IS ORDERED:**


7 1. That Magistrate Judge Michael T. Morrissey’s Report and Recommendation
8 (Doc. 16) is **accepted** and **adopted** by the Court;

9 2. That the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241
10 (Doc. 1) is **denied** and **dismissed with prejudice**;

11 3. That a certificate of appealability and leave to proceed in forma pauperis on
12 appeal is **denied**; and

13 4. That the Clerk of Court shall **terminate** this action.

14 Dated this 3rd day of October, 2023.

15 
16 Honorable Steven P. Logan
17 United States District Judge
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